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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,964	06/09/2004	Wayne R. Stevens	2003-008	3963

32170 7590 03/21/2006

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EXAMINER
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KLEIN, GABRIEL J

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/709,964

Applicant(s)

STEVENS ET AL.

Examiner

Gabriel J. Klein

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (5148620) in view of Ruger (2898693) and further in view of Thompson (4912868).

Nelson discloses shot shell size adapter for grenade launchers (abstract, lines 1 and 2). The adapter of Nelson comprises an elongate barrel member of a gauge for shot shell (figures 1 and 2, element 10, and column 2, lines 36-40) adapted to be received in, and extend through, the barrel of the host barrel assembly of a grenade launcher (column 2, lines 57-65). It should be appreciated that the elongate barrel member disclosed by Nelson comprises an elongated cylindrical main body (figure 1, element 12) that extends out the breech end of the barrel, and a cylindrical extension barrel (figure 2, element 14) that Nelson discloses may be of any length desired (column 2, lines 53 and 54). Further, Nelson discloses that said elongate barrel member comprises a 12 gauge barrel (column 1, lines 19 and 53).

Nelson discloses the claimed invention except for the cap, the orientation of the elongate barrel member as extending beyond both ends of the host barrel, and the shell extractor.

- Ruger teaches that it is known to use a cap having a hollow circumferential step that is adapted for insertion into the barrel of a host barrel assembly, threaded on the muzzle end of a gauge reducing auxiliary barrel (that is mounted inside the host barrel of a weapon) wherein said gauge reducing auxiliary barrel extends beyond the muzzle end of the host barrel, as set forth in figure 2, element 16, and column 3, lines 37-39, to provide the substitute barrel with a centered orientation within the host barrel, as well as to secure the auxiliary barrel to the host barrel, therefore providing the substitute barrel with steadier aim and security. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the shot shell size adapter as taught by Nelson, with the cap and elongate barrel orientation (at the muzzle end only) as taught by Ruger, since such a modification would provide the shot shell size adapter with the cap for providing a centered orientation within the host barrel, as well as to secure the auxiliary barrel to the host barrel, therefore providing the substitute barrel with steadier aim and security, and since Nelson discloses an elongate barrel member comprising a cylindrical extension barrel (figure 2, element 14) that Nelson discloses may be of any length desired.

- Thompson teaches that it is known to use a spring-biased shell extractor, mounted on the breech end of a gauge reducing auxiliary barrel (that is mounted inside the host barrel of a weapon), as set forth in column 3, lines 49 and 50, to provide ejection means for cartridges disposed in said auxiliary barrel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the adapter device as taught by Nelson in view of Ruger (mentioned above), with the spring-biased extractor as taught by Thompson, since such a modification would provide the adapter device with the spring-biased extractor for providing ejection means for cartridges disposed in said adapter device.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

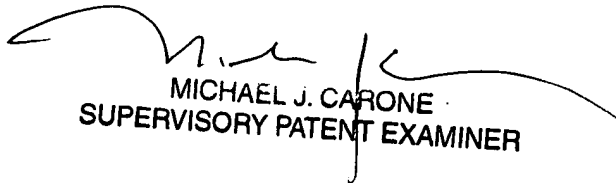
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel J. Klein whose telephone number is 571-272-8229. The examiner can normally be reached on Monday through Friday 7:15 am to 3:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3641

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GJK



MICHAEL J. CARONE  
SUPERVISORY PATENT EXAMINER